

I

Wartime Efforts Toward Economic Security for Blacks

IN THE CRUCIBLE of war, situations frequently arise which compel men to take actions which they might hesitate to take under other conditions. Such was the case with the various measures which brought freedom to nearly four million southern slaves. In an effort to make the war costly to the South, Congress enacted a series of confiscation acts and levied a direct tax on property. President Lincoln, Congress, and private individuals experimented with colonization schemes, and military commanders and direct tax commissioners grappled with the problems of confiscating land and providing for the freedmen. All these activities indicate that those directly concerned with emancipation recognized that economic security through land ownership was a basic need of the newly freed slave.

Thaddeus Stevens of Pennsylvania proposed to remake the South through massive confiscation of the lands of slave owners and redistribution of those lands to former slaves. He championed, and Congress enacted, the first confiscation act, of August 6, 1861, giving the president power to seize property used in aid of rebellion and freeing slaves employed either in arms or labor against the United States.¹ Although the act promised much, enforcement depended on Lincoln. Since the state gov-

1. U.S., *Statutes at Large*, XIII, 352.

ernments were in rebellion, he could have interpreted the act to include not only the property actually used in waging war but also all of the public lands belonging to the states. Because of the necessity of keeping the border states in the Union, however, Lincoln interpreted the act conservatively. Consequently, relatively few slaves were freed and little land confiscated. In fact, when General John C. Fremont in Missouri, on August 30, 1861, issued a proclamation placing the state under martial law and declaring forfeited the land and slaves of those who supported the Confederacy, President Lincoln countermanded his proclamation and instructed him to issue orders more in conformity with the first confiscation act.² Fremont refused to comply and was relieved of command.

Although President Lincoln did not actively press confiscation and emancipation under the first confiscation act, he proposed in his annual message to Congress on December 3, 1861, that Congress free slaves actually seized under the act. He further recommended that steps be taken for colonizing them "at some place, or places, in a climate congenial to them."³ Over the next six months Lyman Trumbull in the Senate and Thomas D. Elliot in the House led the fight for passage of a new confiscation act which would embody Lincoln's recommendation. The second confiscation act, approved on July 17, 1862, provided for the confiscation of property of five different classes of persons guilty of disloyalty to the Union. The act also provided that the slaves of persons who engaged in or gave aid to rebellion would be forever freed whenever the area in which they resided came under control of the United States military. Congress also included in the act President Lincoln's recommendation that pro-

2. Roy P. Basler (ed.), *The Collected Works of Abraham Lincoln* (8 vols; New Brunswick, New Jersey: Rutgers University Press, 1953), IV, 506.

3. *Ibid.*, V, 48. In addition to his proposal to colonize the slaves freed by confiscation, Lincoln also recommended: "It might be well to consider too, —whether the free colored people already in the United States could not, so far as individuals may desire, be included in such colonization."

visions be made for colonization of slaves freed through confiscation.⁴

Although the act incorporated some of Lincoln's recommendations, he voiced concern that it placed punishment on persons, whereas Congress had directed the first act against property itself. In response, he prepared a veto message based on the principle that the confiscation portion was a bill of attainder, since such confiscation was permanent. Subsequently Congress passed a joint explanatory resolution limiting the effect of confiscation to the life of the guilty party.⁵ The second confiscation act, under which most of the actual confiscation later occurred, did not give the government clear title to the land, thus rendered impractical any future efforts to assign these lands to the freedmen and guarantee permanent possession. Other means were required to provide for the thousands of slaves freed by the act.

Colonization of the liberated slaves in Liberia, Haiti, Central America, and Santo Domingo became a frequent topic in and out of Congress.⁶ As early as October, 1861, Lincoln proposed colonizing Negroes on the Chiriqui Improvement Company grant in the district of Panama.⁷ In 1855 the company had gained control of several hundred thousand acres of rich coal land on the Isthmus of Panama. During the war the company contracted

4. U.S., *Statutes at Large*, XII, 589-92.

5. Although Lincoln signed the second confiscation act and the joint explanatory resolution, he transmitted his veto message to Congress. J. D. Richardson (comp.), *A Compilation of the Messages and Papers of the Presidents, 1789-1902* (10 vols.; Washington: Government Printing Office, 1896-1907), VI, 85.

6. One proposal which Lincoln appears to have considered was made by General B. F. Butler, who proposed that the Negro troops serving the United States (about 150,000) be sent to Colombia and set to work digging a canal across the Isthmus of Darien. He further proposed to transport the wives and children of these soldiers as well as any other Negroes who wished to emigrate. This would enable the United States to establish a large Negro colony which would aid the freedmen while at the same time protect the proposed canal and serve the economic interests of the United States. William P. Pickett, *The Negro Problem: Abraham Lincoln's Solution* (New York: G.P. Putnam's Sons, 1909), 327.

7. Basler (ed.), *The Collected Works of Abraham Lincoln*, IV, 561.

to provide the Navy Department with coal at one half the cost in the United States. In order to meet the demands of the Department of the Navy the company needed laborers for its coal mines. The Chiriqui project received much attention from Congress during the period from mid-July to mid-October of 1862. Senator Samuel C. Pomeroy was appointed to coordinate the efforts of the government. Blacks who immigrated were to be provided with employment in the company coal mines and each head of family would be granted forty acres of land. Pomeroy requested and received authorization to draw \$25,000 from the treasury to pay the cost of transportation and supplies for the colony. He stated that he had received 13,700 applications from blacks and had selected 500 for the first party.⁸ By October, 1862, the project floundered due to the opposition of Latin American states which viewed the venture as an imperialistic move on the part of the United States. Furthermore, the Clayton-Bulwer Treaty prohibited either colonization or fortification of the area.⁹

Pomeroy, in accounting for the expenses incurred, reported that he had purchased lumber, window frames, plows, axes, hoes, yokes, carpenter's and blacksmith's tools, wagons, saddles, office furniture, foodstuffs, medicine, garden seeds, and ten mules for the Chiriqui colonists. However, although he received \$25,000 he only provided vouchers for about \$9,000.

As the Chiriqui project came under increasingly heavy fire from Latin American diplomats, the secretary of the interior sought other areas for colonization. Bernard Kock, the American lessor of Ile a Vache, a small island off the coast of Haiti, proposed to colonize the freedmen on that island. He promised to employ the colonists at standard wages and provide a house and

8. S. C. Pomeroy to J. Doolittle, Oct. 20, 1862, in James R. Doolittle Papers, Library of Congress.

9. Willis Boyd, "Negro Colonization in the National Crisis: 1860-1870" (Ph. D. dissertation, University of California at Los Angeles, 1953), 174. This source should be examined for further information on colonization.

garden for each family. At the end of ten years, when his lease expired, the government of Haiti would give full title to eight acres for each single male and sixteen acres for every head of family. Kock claimed that the only assistance needed was transportation and funds to purchase supplies for the first few months.¹⁰

After careful investigation the government decided that Kock was untrustworthy. The project should have ended there. However, two New York businessmen, Paul Forbes and Charles Tuckerman, contracted to colonize five hundred blacks on Ile a Vache. The government agreed to pay fifty dollars for each person colonized. One group, numbering 453, sailed from Fortress Monroe, Virginia, for Ile a Vache. Secretary of State William Seward became quite concerned when he learned that Bernard Kock was actually in charge of the expedition. Consequently, the government refused to pay Forbes and Tuckerman until a thorough investigation of the project could be carried out. After over a year of investigation, in which contradictory reports were submitted by various investigators, the government finally decided to end the project and bring the colonists "home." By February 1, 1865, only 292 of the 453 emigrants were still on Ile a Vache. About 73 others had moved to Aux Cayes on the main island, while the remainder had either died or wandered off. Although Congress expended \$33,174.04 by March 9, 1864, on various colonization efforts, relatively few Negroes established successful colonies. In July, 1864, because of the unfavorable publicity which the Ile a Vache project received and because of the increasing demand for black labor by the military, Congress repealed the colonization clause of the 1862 confiscation act.¹¹

Private efforts to promote emigration were meager but more successful than those of the government. The most successful attempts were those sponsored by the American Colonization

10. *Ibid.*, 181.

11. *Ibid.*, 186-98.

Society. During the Civil War the society was responsible for settling 168 Negroes in Liberia, and between the end of the war and 1870 it settled an additional 2,492.¹² In these ventures the society received some aid from the government. The Freedmen's Bureau provided some emigrants with transportation and rations to Charleston and other points of embarkation. The society furnished the remainder of the passage to Liberia. On March 26, 1868, the society requested transportation for 618 adults and 145 children to either Baltimore or Savannah where they could board the *Golconda* for the trip to Liberia. Agents of the Freedmen's Bureau estimated the cost of transportation to these ports at \$6,290. Although the bureau had previously furnished such transportation, General Howard denied their request: "There are so many worthy objects pressing their claim, that it is not deemed just to expend so large a sum of money for transportation as this request calls for."¹³ Thus ended government support for one method whereby the freed slaves might obtain economic security. Possibly the most important reason for the failure of colonization lies in the opposition of the blacks. A convention of Negroes in Virginia in August, 1865, resolved: "That as natives of American soil we claim the right to remain upon it, and that any attempt to remove, expatriate, or colonize us in any other land against our will is unjust, for here we were born, and for this country our fathers and brothers have fought, and we hope to remain here in the full enjoyment of enfranchised manhood and its dignities."¹⁴

12. *Ibid.*, 343.

13. W. McLain to O. O. Howard, October 23, 1867, Registers and Letters Received by the Bureau of Refugees, Freedmen, and Abandoned Lands (BRFAL), 1865-1872, in Record Group 105, National Archives, Microcopy 752, Roll 49, p. 804; W. McLain to O. O. Howard, March 26, 1868, Roll 52, pp. 221, 225. Although the bureau declined to furnish the above transportation, the society did manage to settle 453 Negroes in Liberia in 1868 and an additional 160 in 1869; Boyd, "Negro Colonization in the National Crisis," 343.

14. "Resolution of Convention of Negroes in Virginia," in Record Group 105, National Archives, Microcopy 752, Roll 23, p. 574.

It appears, however, that some blacks may have favored colonization as a means of separating the races. A call was issued for a national colonization convention to meet in New York on October 4, 1864, to discuss several possible colonization programs. One scheme involved a request to Congress to "obtain a grant of land . . . upon which they are to be gathered together and become a people." The *New Orleans Era* on September 20, 1864, reported on two meetings of blacks to select representatives to the national convention. The *Era* stated that the plan could not be successful because "colonization schemes generally prove failures . . . [but] we do not see, however, that the negroes will lose by agitating the matter."¹⁵

Commenting on the colonization movement, the *New Orleans Tribune*, a black newspaper, reported on September 22, 1864, that no one had been selected by the blacks of Louisiana to represent them at the National Colonization Convention, but rather that some men had designated themselves as delegates to the convention. The *Tribune* denied that these pseudo-delegates had the right to speak for the free persons of color of New Orleans, much less for all of Louisiana. The *Tribune's* reasons for opposing colonization were virtually identical to those put forth by the Virginia convention a year later, and the *Tribune* raised this question: "But supposing the proud Anglo-Saxons could try to do without them, and would induce them, through deception, to colonize, do they suppose that the negroes could be treated like the Indians have been treated, and that five millions could be 'gathered' into any section of the country without preparing troubles for a future generation—a war of races[?]"

The *Tribune* pointed out further that should an attempt be made to establish a large black colony in any of the unsettled regions of the West, "Maximilian and Napoleon will not look

15. *New Orleans Era*, September 20, 1864.

upon the movement without drawing the advantage which they could on such occasion. They would tender the hand of friendship to the negroes, would hold out to them advantages enjoyed by their citizens, and, as a matter of course, the negroes will prefer to go to Mexico, which is already settled, than going to any new section of this country."¹⁶

Fortunately for the freedmen, Congress did not confine its efforts to colonization. In addition to the confiscation acts, Congress levied a direct tax on property throughout the United States, including those sections in rebellion. After the Union regained control of the Sea Islands of South Carolina in 1862, the federal courts seized 76,775 acres of land for non-payment of the direct tax. Lincoln, on February 10, 1863, appointed General Rufus Saxton and General David Hunter as members of a commission of five to determine what lands the government should reserve for "charitable, educational, or police purposes."¹⁷ The choice of Hunter as a member of the commission is noteworthy. When Lincoln relieved Fremont of command in Missouri in October, 1861, he chose Hunter as the replacement. Yet in May, 1862, General Hunter, as commander of Union forces in the Sea Islands, issued an order declaring: "the persons in these states—Georgia, Florida, and South Carolina—heretofore held as slaves, are therefore declared forever free."¹⁸ Lincoln, on May 19, 1862, revoked Hunter's order and reserved the responsibility for freeing slaves to himself as chief executive. Consequently, his choice of Hunter as a member of the commission to set apart land in order to provide for the freedmen demonstrated that Lincoln, by this time, associated freedom with the need for land.

Subsequently, the commission reserved 60,296 acres, but offered the remaining 16,479 acres for sale. At the first tax sale,

held in late February and March of 1863, the government disposed of approximately ten thousand acres of land, most of it at less than one dollar per acre. Edward Philbrick bought eight thousand acres for a group of Bostonians at seven thousand dollars and leased two more plantations from the government. Negroes who saved enough money purchased approximately two thousand acres.¹⁹

In September, 1863, Lincoln instructed the direct tax commissioners for the District of South Carolina to survey and place on sale at public auction approximately forty thousand acres of reserved land. He directed the commissioner to set aside the remaining twenty thousand acres and survey it in plots of twenty acres each. He further instructed them to sell these lots to selected heads of Afro-American families. The persons thus selected could procure these lots at not less than \$1.25 per acre. Lincoln explained that this action was to be taken "for the charitable purpose of providing homes for such heads of families and their families respectively, so as to give them an interest in the soil."²⁰

Since the lands thus set apart by Lincoln provided for only one thousand families, missionary Mansfield French and General Rufus Saxton attempted to circumvent these orders and procure land for as many as could afford to buy land at \$1.25 per acre. On November 3, 1863, in the *Free South*, Saxton published his instructions to the freedmen. He assumed that the tax lands were now public lands and therefore subject to the preemption law which allowed a settler to file claim to land before it was offered at public auction. He encouraged the freedmen to exercise their right to preemption by building houses on

19. Willie Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (New York: The Bobbs Merrill Company, 1964), 214; James M. McPherson, *The Struggle for Equality: Abolitionists and the Negro in the Civil War and Reconstruction* (Princeton: Princeton University Press, 1964), 251.

20. Basler (ed.), *The Collected Works of Abraham Lincoln*, VI, 453-59.

16. *New Orleans Tribune*, September 22, 1864.

17. Basler (ed.), *The Collected Works of Abraham Lincoln*, VI, 98.

18. *Ibid.*, V, 222.

the land they wanted to buy and preempt the adjoining twenty acres. In this way he hoped that bidders would respect squatters' rights and permit the freedmen to purchase forty acres. On December 31, 1863, French secured approval of Saxton's plan from Salmon P. Chase, secretary of the treasury. Chase then issued new instructions, permitting preemption of twenty or forty acres at the rate of \$1.25 per acre of all government lands on the island not reserved for military or educational purposes.²¹

Two of the direct tax commissioners decided to resist preemption passively by simply refusing to accept any money and by ignoring all preemption claims. They realized that the new instructions were poorly rooted in law and therefore the freedmen's legal claim to the land would be shaky once the war ended.²² The commissioners convinced Chase that the best interest of both the freedmen and the government required that the freedmen not be permitted to preempt land. By early February, 1864, Chase withdrew the December instructions, thus thwarting Saxton's program.

When the sale occurred, all the reserved land was offered at open bidding. The land sold at an average price of more than eleven dollars per acre. Freedmen purchased only 2,276 acres at the low price of \$1.25 per acre. Some Negroes on Wassa Island and on the Marion Chaplin plantation pooled their resources and bought their own land, intending to work it in common. They bought 470 acres, paying an average price of over \$7.00 per acre in competitive bidding.²³

The tax commissioners envisioned a mixed settlement of

21. Rose, *Rehearsal for Reconstruction*, 274, 284-85; McPherson, *Struggle for Equality*, 253.

22. Rose, *Rehearsal for Reconstruction*, 287-88.

23. *Ibid.*, 294-95; McPherson, *Struggle for Equality*, 255. It seems ironic that Saxton, in his efforts to assist as many blacks as possible in acquiring land, caused the initial instructions, reserving 20,000 acres, to be changed. This resulted in the loss of over 17,000 acres which the freedmen could have purchased at the low price of \$1.25 per acre.

blacks and whites covering the islands with farms of widely varying sizes. They foresaw the Negroes with five to twenty acres and northern white owners with larger farms. In this fashion the owners of the larger farms could assure themselves of an adequate labor supply while the Negro could assure himself of sufficient work to supplement his earnings from his own small farm. Though paternalistic in nature, this plan represented a minor commitment to the idea that the government had some responsibility for helping the freedmen gain economic security.²⁴

Although General Saxton was one of the first of the military commanders to become concerned with the problem of Negro land ownership, he was by no means the only one. Wherever Union troops gained control of southern territory, thousands of escaped slaves made their way to the military camps in search of freedom. Military commanders, faced with the problem of feeding the blacks, devised different methods of forcing them to help support themselves.

In the Department of the Gulf confiscation and seizure of abandoned plantations began under General Benjamin Butler in 1862. Prior to his departure from Louisiana Butler established a system for leasing plantations and paying wages to former slaves. Under Butler's wage scale men were to be paid \$10 per month, \$3 of which could be paid in clothing. Women received \$7 and children between the ages of ten and sixteen received \$5 per month.²⁵ Butler's wage scale remained in effect until February, 1864, when it was replaced by one established by General Banks. Under the new system first-class hands received \$8 per month, second-class hands \$6 per month, third-class hands \$5 per month, and fourth-class hands \$4 per month. In addition to these wages the laborers were permitted to cultivate land for their own benefit: first- and second-class workers with families

24. Rose, *Rehearsal for Reconstruction*, 279, 296.

25. New York Times, January 16, 1863.

received one acre of land; first- and second-class workers without families received only a half acre of land; third- and fourth-class workers with families received one half acre of land, and those without families were allowed a quarter acre of land.²⁶ Although the motive behind both wage systems was a desire to protect the workers from exploitation by unscrupulous lessees, abolitionists and free blacks pointed out that under the wage system the condition of the laborer was worse than under slavery. One of the most devastating attacks on the entire system of confiscation and free labor was levied by the New Orleans *Tribune*. In an editorial on September 10, 1864, the *Tribune* condemned the confiscation program of the government as "one of the most striking evidences of hasty, imperfect and unwise legislation which our country presents." The editor stated emphatically that "The moment they [the planters] had departed, the government should have taken possession of the lands, divided them out into five acre lots, and distributed them among those persons who had, by dint of daily and long continued toil, created all the wealth of the South." The *Tribune* further charged that the plantations were leased to "avaricious adventurers from the North whose sole desire was to *exploit* the services of the freedmen, and make out of their labor as much money as possible. The slaves were made serfs and chained to the soil."²⁷

By the end of October, 1864, it appeared that the *Tribune's* objections may have had some effect. Control of the freedmen was transferred from the Freedmen's Bureau under Thomas Conway to the Treasury Department represented by Benjamin

26. *Ibid.*, February 15, 1864.

27. New Orleans *Tribune*, September 10, 1864. Emphasis in original. For an analysis of the conflict which developed between the military and the Treasury Department in Louisiana, as well as an analysis of the role of the *Tribune*, see C. Peter Ripley, *Slaves and Freedmen in Civil War Louisiana* (Baton Rouge: Louisiana State University Press, 1976).

F. Flanders. Prior to leasing plantations for 1865 Flanders helped organize several associations of freedmen to lease and work entire plantations together. One group of 130 leased the plantation of Confederate General Richard Taylor.²⁸

Flanders joined with the *Tribune* and other interested free blacks to organize a bank and provide the capital needed by the freedmen to purchase mules, seed, plows, and other tools, and provisions. In order to ensure sufficient capital, the association called upon all black soldiers to invest twenty dollars from their back pay. This money would be lent to the various associations of freedmen who would repay the interest-free loans at the conclusion of the agricultural year. Since the freedmen could not offer any security, the Freedmen's Aid Association requested assistance from anyone who wanted to see the experiment in free labor succeed.²⁹

The Third African Church of New Orleans even drew up a prospectus for a farming association. They recommended that groups of from five to ten families gather together, pool their resources, and lease land cooperatively. They even established a ratio for distribution of profits.³⁰

As Flanders proceeded with his plan to assist the freedmen in leasing land on their own account, the military reassumed responsibility for the freedmen. Since the main function of the Freedmen's Bureau was to provide work for the freedmen, the name of the agency was changed to the Bureau of Free Labor. Military officials issued two orders which caused an uproar in the black community of New Orleans. The first of these orders created additional home farms or colonies for the care of the

28. *Ibid.*, November 1, 1864, February 22, 1865. In the Department of the Gulf the military agency assigned to provide for the freedmen was initially called the Freedmen's Bureau (not to be confused with the Bureau of Refugees, Freedmen, and Abandoned Lands, which was not created until March, 1865).

29. *Ibid.*, March 7, 1865, April 17, 1865.

30. *Ibid.*, February 3, 1865.

helpless freedmen. However, the order also commanded all able-bodied freedmen who were supported by the government to seek immediate employment.³¹

The second order instructed able-bodied freedmen to contract for labor and established a new pay schedule which provided wages of ten dollars per month for a first-class hand, "in addition to just treatment, wholesome rations, comfortable clothing, quarters, fuel and medical attendance, and the opportunity for instruction of children." Blacks objected to the new wage scale because they had anticipated one similar to the twenty-five dollar per month scale which the Treasury Department had established in Mississippi. However, their greatest opposition to the order was reserved for section twelve, which stated:

For the purpose of reimbursing to the United States, some portion of the expenses of this system, and of supporting the aged, infirm, and helpless, the following tax will be collected in lieu of all other claims under these regulations:

From each planter, for every hand employed by him between the ages of 18 and 50, two dollars per annum.

From each hand between the same ages, one dollar per annum. . . . Measures will be taken to collect the same Poll tax from all colored persons not on plantations, so that the active labor of this race may contribute to the support of their own helpless and disabled.³²

Reaction to the order was immediate. Blacks held a meeting at Economy Hall on March 17, 1865. Thomas Conway, general superintendent of freedmen for the Department of the Gulf, attended the meeting. Captain James H. Ingraham, a free person of color, informed the gathering that Conway told him and all blacks that "we have been slaves until General Banks came here."³³

31. General Order No. 7, Hq. Dept. of the Gulf, New Orleans, February 8, 1865, reprinted in *New Orleans Tribune*, February 14, 1865.

32. General Order No. 23, Hq. Dept. of the Gulf, New Orleans, March 11, 1865, reprinted in *New Orleans Tribune*, March 18, 1865; John Eaton, *Grant, Lincoln, and the Freedmen* (New York: Longman, Green and Company, 1907), 143.

33. *New Orleans Tribune*, March 18, 1865.

The assembly issued a resolution condemning Conway and stated that the existence of the Bureau of Free Labor was inconsistent with freedom. In an article entitled "Serfdom in Louisiana," the Cincinnati *Colored Citizen* pointed out that the order substituted a code of serfdom for one of slavery. The order rested on the concept that from the treason of the master the right to the labor of the slave was vested in the government.³⁴ Black opposition to the order had little effect on the wages paid freedmen in the Department of the Gulf. However, the black population of New Orleans did succeed in having the city exempted from collection of the poll tax.³⁵

By April, 1865, the Freedmen's Aid Association of the city of New Orleans reported that division of the large plantations had already begun and that some of the land had been rented to freedmen, who were cultivating the soil in squads of men, women, and children varying in number from fifteen to over one hundred. The association issued an open letter appealing to the friends of the freedmen for funds to provide seed, tools, draught animals, and rations. The association pointed out that this assistance was necessary since the freedmen had derived "little or no reward from their previous labors under the system of leases for the past year." The association pledged itself to supervise the expenditure of the funds provided to ensure that the freedmen derived maximum benefits.³⁶

During the next few months the Freedmen's Aid Association of New Orleans assisted approximately seven hundred men, women, and children in the expense of cultivating fourteen plantations. In addition to the plantations leased to freedmen by the Treasury Department, the home colonies for helpless freedmen provided the opportunity for gainful employment to many others. Initially Conway established three home colonies, the Rost

34. Cincinnati *Colored Citizen* cited in *New Orleans Tribune*, April 13, 1865.

35. *New Orleans Tribune*, June 23, 1865.

36. *Ibid.*, May 2, 1865.

Home Colony in St. Charles Parish, which belonged to Pierre Rost, the Confederate envoy to Spain; the McHatten Home Colony, which included both the McHatten and Conrad plantations in East Baton Rouge Parish, and the Bragg Home Colony in Lafourche Parish, which had belonged to General Braxton Bragg.³⁷

Since these were not able to handle the excess black population of New Orleans, General Canby seized the Sparks plantation near New Orleans and converted it to a home farm also. By July of 1865 over 1,300 freedmen were supported on Sparks, Rost, McHatten, and Bragg home colonies. The majority of their support came from the laborers who worked the home colonies for the government. Freedmen working these plantations cultivated for the government 640 acres of cotton, 975 acres of ratoon cane, 12 acres of garden vegetables, and 10 acres of potatoes. In addition these freedmen worked 60 acres of cotton, 100 acres of corn, and 310 acres of miscellaneous crops on their own account. Additional support for the home colonies came from the collection of the poll tax from planters and laborers outside the city of New Orleans.³⁸

In the Mississippi Valley, General U. S. Grant, following a policy similar to that of Banks, appointed Chaplain John Eaton, Jr., as superintendent of contrabands in charge of the Freedmen's Department with responsibility for supervising the freedmen and the lands which had been taken over by the military.³⁹ There was considerable conflict between the military and the Treasury Department concerning the disposition of the land and the care of the Negroes. Originally the Freedmen's De-

partment had control over both land and blacks, with the understanding that the blacks would be provided for out of the proceeds from their labor on the land. In October, 1863, Treasury agents assumed control of all abandoned lands. By February, 1864, the Freedmen's Department complained that the Treasury Department was only interested in the proceeds from the land. Without the land the Freedmen's Department could not generate the funds necessary to care for the blacks.⁴⁰

Of the many projects carried on by the Freedmen's Department, possibly the most noteworthy was in Mississippi. Davis Bend, seized under General Order No. 287, contained six plantations, two of which belonged to Jefferson Davis and his brother Joseph. Despite conflicting jurisdiction over the land, General Grant maintained partial military control over the area, hoping to convert Davis Bend into a Negro paradise. The Freedmen's Department moved more than ten thousand Negroes to the area, built hundreds of huts as housing, and then put the freedmen to work on the various plantations.⁴¹ The Treasury Department subdivided and leased the plantations to both blacks and whites with the understanding that the lessee would supervise his laborers' work, provide them with sufficient quarters, and allow each family of four or more one acre of ground.⁴²

In late November and December of 1864, the Freedmen's Department expelled all whites from the area and began organizing the blacks into a laboring community. Each head of a family was assigned a plot of ground with a house and allowed to

40. *Ibid.*, 143; Vernon Lane Wharton, *The Negro in Mississippi, 1865-1890* (New York: Harper Torchbooks, 1965), 39. These two sources should be consulted for a more thorough coverage of the conflict of authority.

41. S. Thomas to O. O. Howard, December 22, 1865, Registers and Letters Received (BRFAL), in RG 105, NA, Microcopy 752, Roll 20, pp. 8-13. This letter gives a general history of the Davis Bend experiment.

42. "Rules for leasing abandoned plantations and employing freedmen," Western Sanitary Commission and Treasury Department, in Record Group 105, National Archives, Microcopy 752, Roll 18, p. 837.

37. *Ibid.*, July 11, 1865; Registers and Letters Received (BRFAL), in RG 105, NA, Microcopy 752, Roll 14, pp. 644-45.

38. White, *Freedmen's Bureau in Louisiana*, 67; *New Orleans Tribune*, June 23, 1865; Land Division (BRFAL), in RG 105, NA, Land Reports, Box 8.

39. Eaton, *Grant, Lincoln, and the Freedmen*, 5, 21, 26. Eaton was appointed on November 11, 1862.

regulate his own affairs. At the beginning of the new year families received rent-free leases for the land they occupied in addition to permits to hold the necessary stock that was provided by the military. Many worked with nothing but hoes and their bare hands, while others borrowed money from northerners looking for lucrative investments.⁴³ Such were the conditions existing at Davis Bend when the Freedmen's Department turned the area over to the Freedmen's Bureau. Although the department made no provision to secure land for the Negroes, those who worked diligently and saved money could purchase land later when they became officially free.

While Eaton and his assistant superintendent concerned themselves with the problem of caring for the Negroes who flocked to the military encampments in the Mississippi Valley, the war continued. In November, 1864, General William T. Sherman began his famous march across Georgia. As the Army of Tennessee approached the coast, thousands of freedmen joined the march. They came with little but the clothes they wore and consequently had to be cared for or else they would have starved. Following the occupation of Savannah, Secretary of War Stanton and General Sherman met with a group of twenty Negro ministers in an effort to determine what could be done with the vast multitude following in the train of Sherman's army. The Negro leaders requested a temporary separation of the races as a means of reducing the existing antagonistic racial feelings.

The direct result of this meeting was the issuance, on January 16, 1865, of Special Field Order No. 15, which stated: "The islands of Charleston south, the abandoned ricefields along the rivers for thirty miles back from the sea, and the country bordering the St. Johns River, Florida, are reserved and set apart for

43. Eaton, *Grant, Lincoln, and the Freedmen*, 165-66; Wharton, *The Negro in Mississippi*, 39; S. Thomas to O. O. Howard, October 12, 1865, Registers and Letters Received (BRFAL), in RG 105, NA, Microcopy 752, Roll 22, p. 190.

the settlement of the negroes now made free by the acts of war and the proclamation of the President of the United States." ⁴⁴ Under the terms of the order General Rufus Saxton was appointed as inspector of settlements and plantations. His major responsibility was to assign each head of family forty acres of land and "furnish . . . subject to the approval of the President of the United States, a possessory title." ⁴⁵

Saxton's concern for the welfare of the Negroes during the prior tax sale indicates the appropriateness of his selection. Some weeks earlier he complained to Stanton that the government had reneged on its promise of land for the freedmen.⁴⁶ Upon receipt of his orders, Saxton pleaded that he not be forced to assign land if the government did not intend to live up to its promise. With Stanton's assurance that the freedmen would be protected in their rights to the land, Saxton set to work settling them on the Sherman lands. By June, 1865, Saxton reported that approximately forty thousand Negroes had settled on about 400,000 acres of land reserved by Sherman's special field order.⁴⁷ In addition, Sherman instructed Saxton to lend the Negroes animals to work the land. These animals were too broken down for active military duty but under normal farm work they could recuperate sufficiently to be returned to active service. By that time, the Negroes supposedly would have earned enough to

44. William T. Sherman, *Memoirs of General William T. Sherman* (Bloomington: Indiana University Press, 1957), 248-52; *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington: Government Printing Office, 1880-1901), Ser. I, Vol. XLVII, Pt. 2, p. 37; hereinafter cited as *Official Records*. Unless otherwise indicated, all citations are to Series I.

45. *Official Records*, Vol. XLVII, Pt. 2, p. 37.

46. *Ibid.*, Series III, Vol. IV, 1022-31.

47. McPherson, *Struggle for Equality*, 258-59; R. Saxton to O. O. Howard, June 4, 1865, Registers and Letters Received (BRFAL), in RG 105, NA, Microcopy 752, Roll 17, p. 25; George R. Bentley, *A History of the Freedmen's Bureau* (Philadelphia: University of Pennsylvania Press, 1955), 98. Since the Sherman order specified forty acres for each head of family, one can assume from these figures that 10,000 families containing approximately 40,000 persons had settled on the reserved lands.

buy their own animals.⁴⁸ Had the terms of Sherman's special field order been sustained by the president and Congress, the history of Negro land ownership would have been quite different.

Although Civil War and Reconstruction historians have largely ignored the importance of land for the freedmen, one can hardly fail to note that every new act which brought emancipation brought with it some measure to bind the freedmen to the land. Almost immediately after the promulgation of the Emancipation Proclamation, Congress received a petition to create a bureau of emancipation. Over the next two years Congress debated and finally passed, on March 3, 1865, a bill creating within the War Department a Bureau of Refugees, Freedmen, and Abandoned Lands, with responsibility for helping the freedmen make the transition from slavery to freedom. The questions of authority and land were responsible for the two-year debate. As Congress debated, reports filtered in from the military and the Treasury Department, each claiming authority over the land. When Congress finally assigned the bureau to the War Department, congressional leaders thereby indicated their belief that only the military could protect the former slaves in their new freedom. Many of these same congressional leaders realized that the freedmen must have land if they were to be truly free. Otherwise, they would remain a landless mass of agricultural workers subject to the whims and fancies of the land owners. Section thirteen of the proposed bureau bill would have repealed the explanatory resolution appended to the second confiscation act. This would have given the government permanent tenure to confiscated land. However, section thirteen was amended out of the act creating the Freedmen's Bureau. Al-

48. *Official Records*, Vol. XLVII, Pt. 2, p. 115. Although most historians agree with Vernon Lane Wharton that the origin of the expression "forty acres and a mule" cannot be established, one must admit that Sherman's special field order and his letter to Saxton instructing that mules be lent to the freedmen gave substance to the expression.

though the friends of the freedmen failed to provide permanent tenure of land, they did provide for the distribution of land.⁴⁹ Section four of the act creating the bureau specified:

That the Commissioner, under the direction of the President, shall have authority to set apart, for the use of loyal refugees and freedmen, such tracts of land within the insurrectionary States as shall have been abandoned, or to which the United States shall have acquired title by confiscation or sale, or otherwise; and to every male citizen, whether refugee or freedmen as aforesaid, there shall be assigned not more than forty acres of such land, and the person to whom it was so assigned shall be protected in the use and enjoyment of the land for the term of three years at an annual rate not exceeding six per centum upon the value of such land as it was appraised by the State Authorities in the year of eighteen hundred and sixty for the purpose of taxation At the end of said term, or at any time during said term, the occupants of any parcels so assigned may purchase the land and receive such titles thereto as the United States can convey, upon paying therefore the value of the land as ascertained and fixed for the purpose of determining the annual rent aforesaid.⁵⁰

The Freedmen's Bureau bill, therefore, although it did not offer free land, promised that by working diligently the freedmen would be able to purchase land.

49. *New York Times*, February 14, 1865.

50. U.S., *Statutes at Large*, XII, 508. While debating whether to create a freedmen's bureau, Congress appointed, under the War Department, the American Freedmen's Inquiry Commission. The commission issued a preliminary report on June 30, 1863, in which it recommended that the freedmen ultimately be given title to the farms and gardens they occupied. In its final report, issued May 15, 1864, the commission recommended that a freedmen's bureau be created with control of both freedmen and the land, thus avoiding conflict. *Official Records*, Ser. III, Vol. III, p. 443; *ibid.*, Ser. III, Vol. IV, p. 381. In order to provide that there would be adequate land to assign to the freedmen, Senator Lyman Trumbull proposed on June 27, 1864, that Congress revoke the explanatory resolution which had become a part of the second confiscation act. This would have eliminated the words "nor shall any punishment or proceedings under said act be so construed as to form a forfeiture of the real estate of the offender beyond his natural life." Although the Senate agreed to this amendment, the House refused to grant its approval and thus effectively nullified later efforts to assign land to the freedmen.